

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

HERMAN JAVIER MURILLO TRUJILLO,

Defendant.

Case No. CR13-91-RSM

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on April 8, 2013. The defendant appeared pursuant to a warrant issued in this case. The United States was represented by Thomas Bates, and defendant was represented by Dennis Carroll. Also present was U.S. Probation Officer Jennifer Tien. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on August 1, 2011, by the Honorable Neil V. Wake in the District of Arizona for Re-entry of Removed Alien. He received 12 months and one day of detention and 36 months of supervised release. Mr. Trujillo's case number from the District of Arizona was CR11-433-PHX-NVW. On January 16, 2013, the District of Arizona issued an arrest warrant for Mr. Trujillo alleging he violated conditions of his supervision by committing a

1 crime.

2 On March 21, 2013, jurisdiction over the case was transferred from the District of
3 Arizona to the Western District of Washington. The matter was assigned to District Judge
4 Ricardo S. Martinez and docketed under CR13-91-RSM.

5 **PRESENTLY ALLEGED VIOLATIONS**

6 In a petition dated January 8, 2013, U.S. Probation Officer Daniel Prather from the
7 District of Arizona alleged that defendant violated the following conditions of supervised
8 release:

9 1. Committing another federal, state, or local crime during the term of supervision.
10 Evidence supporting the alleged violation consists of ICE correspondence confirming Mr.
11 Trujillo's deportation January 26, 2012; and an FBI fingerprint-based arrest record verifying he
12 was found in the United States without authorization on December 20, 2012, when arrested by
13 immigration officials in the Western District of Washington.

14 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

15 Defendant admitted the above violation, waived any hearing as to whether it occurred,
16 and was informed the matter would be set for a disposition hearing May 24, 2013, 1:30 p.m.
17 before District Judge Ricardo S. Martinez.

18 **RECOMMENDED FINDINGS AND CONCLUSIONS**

19 Based upon the foregoing, I recommend the Court find that defendant has violated the
20 conditions of his supervised release as alleged above, and conduct a disposition hearing.

21 DATED this 8th day of April, 2013.

22 

23 BRIAN A. TSUCHIDA
United States Magistrate Judge